

HOUSE JOINT RESOLUTION 795

By Parkinson

A RESOLUTION to recognize and honor Judge Bernice Bouie Donald.

WHEREAS, it is fitting that the members of this General Assembly should salute those citizens who, through their extraordinary efforts, have distinguished themselves as community leaders of whom we can all be proud; and

WHEREAS, the Tennessee Black Caucus of State Legislators recognizes those individuals who are current black history makers; and

WHEREAS, one such noteworthy individual is Judge Bernice Bouie Donald, who has distinguished herself as a professional of the greatest dedication, ability, and integrity both on the bar and on the bench; and

WHEREAS, the Honorable Bernice Bouie Donald received her law degree from the University of Memphis Cecil C. Humphreys School of Law, an LLM from Duke University School of Law, and an honorary Doctors in Law from Suffolk University; and

WHEREAS, prior to being appointed to the U.S. Court of Appeals by President Barack Obama in 2011, she served on the U.S. District Court for more than fifteen years; and

WHEREAS, Judge Donald is currently a member of the prestigious American Law Institute. In the American Bar Association, she is a member of the Judicial Division, Appellate Judges Committee, where she serves on the Executive Committee of the Appellate Judges Education Institute; the Criminal Justice Section, where she serves as Chief Diversity Officer; co-chair of the Long-Range Planning Committee; co-chair of the Implicit Bias Initiative; and member of the Section Council and the DOJ Dialogue Group; and

WHEREAS, she is active in the Tort Trial and Insurance Practice Group, where she serves on the Financial Literacy Project, and the Antitrust Section, where she is co-chair of the

Women Connected Committee; serves as an advisor to the Data Privacy Committee and as a liaison from the Section on Civil Rights and Social Justice to the Criminal Justice Section; and chairs the Dignity Rights Initiative for the Center for Human Rights. She remains active in the Labor and Employment Section, which annually administers the Judge Bernice B. Donald Diversity, Equity, and Inclusion Award; and

WHEREAS, previously, she served as chair of the American Bar Association (ABA) Center for Human Rights, and she recently chaired a committee that published an implicit bias resource book for judges and practitioners titled *Enhancing Justice: Reducing Bias*; and

WHEREAS, Judge Donald also served as chair of the ABA Criminal Justice Section, focusing on issues concerning implicit bias, children of incarcerated parents, mass incarceration, and the collateral consequences of incarceration; and

WHEREAS, she previously served as secretary of the American Bar Association and served in the ABA House of Delegates until August 2018; Judge Donald has been on the faculty of the National Judicial College, the Federal Judicial Center, and the Judge Advocate General's Legal Center and School; and

WHEREAS, Judge Donald also served as faculty for the Federal Magistrate Judges Conference held in Portland, Oregon, and as Jurist in Residence at American University, Washington University, University of Cincinnati School of Law, and the University of Georgia School of Law; in addition, she has served as faculty for international programs in more than twenty countries; and

WHEREAS, a selection of Judge Bernice Bouie Donald's writings include: "A Glimpse Inside the Brain's Black Box: Understanding the Role of Neuroscience in Criminal Sentencing" (2016); "Not Your Father's Legal Profession: Technology, Globalization, Diversity, and the Future of Law Practice in the United States" (2014); "Bringing Back Reasonable Inferences: A Short, Simple Suggestion for Addressing Some Problems at the Intersection of Employment

Discrimination and Summary Judgment" (2012-2013); "The Not-So-New Normal of the Legal Profession: Facing and Confounding the Odds" (2014); "Immigrants and Other Cultural Minorities as Non-Traditional Plaintiffs: Culture as a Factor in Determining Tort Damages" (2009); and "Fifty Years Later and Miranda Still Leaves Us With Questions" (2017); and

WHEREAS, additional publications include: "The Dischargeability of Property Settlement and Hold Harmless Agreements in Bankruptcy: An Overview of § 523(a)(15)" (1997); "To This Tribunal the Freedman Has Turned: The Freedman's Bureau's Judicial Powers and the Origins of the Fourteenth Amendment" (2018); "When the Rule of Law Breaks Down: Implications of the 1866 Memphis Massacre for the Passage of the Fourteenth Amendment" (2018); "She Stands on Her Own, Amongst Many: The Women of the Tennessee Supreme Court" (2019); and "Implicit Bias: Should the Legal Community Be Bothered?" (2018); and

WHEREAS, often duly honored for her important and influential work, Judge Donald has received more than 100 awards for professional, civic, and community activities, including the Distinguished Alumni Award from the University of Memphis; the Martin Luther King Community Service Award; the Benjamin Hooks Award from the Memphis Bar Foundation; the prestigious Margaret Brent Award; the Spirit of Excellence Award; the John Pickering Award of Achievement; the University of Memphis Pillars of Excellence Award; the National Bar Association's Lifetime Achievement Award and the William H. Hastie Award; the City of Memphis's Martin Luther King Luminary Award; and the Inaugural Liberty Award from the Tort, Trial and Insurance Section of the ABA; and

WHEREAS, in 2020, at the request of the Labor and Employment Law Section, the American Bar Association Board of Governors established The Judge Bernice Bouie Donald Diversity and Inclusion Award, and Judge Donald was presented with the inaugural award; and

WHEREAS, Judge Donald received the National Bar Association's Lifetime Achievement Award in 2021, as well as the Be the Dream Award from Memphis Mayor Jim Strickland; and

WHEREAS, throughout her estimable career, the Honorable Bernice Bouie Donald has demonstrated the utmost professionalism, ability, and integrity, and it is fitting that we applaud the remarkable achievements of this exceptional jurist, public servant, and human being; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we recognize and honor Judge Bernice Bouie Donald for her lifetime of meritorious service to this State and extend to her our warmest wishes for continued success and happiness in all her future endeavors.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy and upon proper request made to the appropriate clerk, the language appearing immediately following the State seal appear without House or Senate designation.